

REMARKS

The Applicant thanks the Examiner for indicating that claim 30 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claim 30 is appropriately revised, to be an independent claim and include the subject matter of claims 23 and 27, and this amended independent claim is now believed to be allowable.

The drawings are objected to for the reasons noted in the official action, e.g., the failure to show the vertical rails on the C-pillar. All of the raised drawing objections are believed to be overcome by the requested drawing amendments accompanying the attached Submission. A new Replacement Sheet of formal drawings, accompany this Submission, and incorporate all of the requested drawing amendments. If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The above newly amended paragraphs of the specification overcome some informalities noted in the specification on file. With regard to the requested amendments to paragraph [043], the lifting devices have lifting cylinders (original paragraph [043] and original claim 13) that are arranged on vertical rails (original claim 13) on the floors of the vehicle (original Figs. 1, 3) and on either side of the vehicle (original paragraph [043] and original Fig. 3) were disclosed as part of the originally filed application. As originally disclosed, the lifting devices with the lifting cylinders are attached to the C-pillar (original paragraph [043] and original claim 13). The two lifting cylinders on either side of the vehicle are connected to each other by a portal structure (original paragraph [043]) via the lifting device, of which they are a part of and the vertical rails on which they are arranged (above). In view of the above, the undersigned avers that the

amended paragraphs of the specification do not contain any new subject matter as such amendments are fairly based upon the originally filed application.

Claims 34 and 25 are then rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the above remarks and amendments.

In view of the above clarification concerning the specification, it is respectfully submitted that the raised 35 U.S.C. § 112, first paragraph, rejection is traversed.

Claims 2-22 are then rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The Applicant would like to draw the Examiner's attention to the First Preliminary Amendment which was filed with the Application on May 13, 2005 a copy of which is attached. The Applicant, in the First Preliminary Amendment, requested cancellation of claims 2-22, as well as any Chapter II amended claims, without prejudice or disclaimer of the subject matter therein. The Applicant subsequently filed a second Preliminary Amendment, on June 21, 2005, in which claim 1 was canceled, without prejudice or disclaimer of the subject matter therein, in favor of new claims 23-43. In view of this further amendment, only claims 23-43 are actually pending in this case and thus it is respectfully submitted that the raised rejection of claims 2-22, under 35 U.S.C. § 112 second paragraph, is traversed.

Next, claims 33, 34, 35 38 and 41-43 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness

rejections and are not directed at distinguishing the present invention from the art of record in this case.

Claims 23, 24, 33 and 37 are then rejected, under 35 U.S.C. § 102, as being anticipated in view of Page `740 (United States Patent No. 6,234,740). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Page `740 relates to a vehicle cargo lift that includes a frame 2 with a single planar support surface 1 and a *single lift platform* 9 that is located at the rear of the vehicle—not at least two loading boxes or loading surfaces, as presently claimed. The single planar support surface 1 and the single lift platform 9 are both supported by a frame 3 which is affixed to a chassis of a vehicle at suitable support points. Because all of the forces have to be transferred within the framework, since the loading box hangs from the framework, the cargo lift includes a rather complex and costly structural framework which is generally avoided by the presently claimed invention. Furthermore, the lift platform 9 lifts very similar to an elevator and includes a pair of posts 10 that slide up and down within hollow members 7. The platform 9 is lowered by hydraulic rams 8 which are located at each of the four corners of the platform 9.

With this construction, the load on the platform 9 needs to be precisely placed, because if the load is unbalanced for some reason, the platform will not be level during movement and the posts 10 will not be properly received by the hollow members 7 and thus the relative sliding motion, between the posts and the respective hollow members 7, is hindered. Further, the loading and unloading typically can only occur via the single lift platform 9.

Page `740 specifically teaches that the platform is moved between a loading position, in which the platform engages the ground, to a second position at which the platform is at the height of the support surface 1. The platform can also be raised slightly above the second position to a travel position at which the platform prevents backward movement of the cargo.

The Applicant asserts that the cargo lift that is taught, suggested and disclosed by Page 740 is distinctly different from the presently claimed invention. As currently claimed, the vehicle with loading boxes includes a roller door 20 which is provided at the rear of the vehicle. This roller door is attached to the vehicle frame such that the door can be rolled open and expose the loading surface for the purpose of loading or unloading cargo from the rear of the vehicle. Amended claim 23 has at least one lateral opening for providing access to one of the least two loading boxes or loading surfaces (7, 8, 9) at the side of the vehicle.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of "a roller door (20) is provided as the rearward-facing opening surface at the rear of the vehicle" and new independent claim recites the features of "at least first and second side loading surfaces each respectively extending longitudinally between an A pillar and a B pillar, the two A pillars and the two B pillars are respectively coupled at a top thereof by a laterally extending portal; a third rear loading surface extending laterally between a pair of C pillars, which are coupled at a top thereof by a laterally extending portal, each of the A pillars, B pillars and C pillars are coupled to the vehicle frame with the C pillars being coupled to a rear of the vehicle frame; a lifting device (11, 12) is attached to each of the A pillars, B pillars and C pillars and each of these lifting devices (11, 12) is attached to one of the first, the second and the third loading surfaces such that each the first, the second and the third loading surfaces is attached to two of the lifting devices; and the lifting devices vertically bias the associated loading surface between a low position at which the loading surface adjacent a ground surface, a ramp height position for one of loading and unloading the loading surface from a ramp and a driving position". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Claims 25-29 and 31-36 are rejected, under 35 U.S.C. § 103, as being unpatentable in view of Page and French `461, claims 38-41 are rejected, under 35 U.S.C. § 103, as being unpatentable in view of Page, French `461 and Keihl et al. and while claims 42 and 43 are rejected, under 35 U.S.C. § 103, as being unpatentable in view of Page, French `461, Keihl et al. and Brown. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Page `740 shows a ramp 15 that is also used as a tailgate. It is respectfully submitted that this ramp/tailgate is substantially different than the roller door of the presently claimed.

The Examiner further applies French Reference No. 1,554,461 ("French `461") because of its alleged teaching of a rear roller door. The Applicant respectfully contends that the references of Page `740 and French `461 are not properly combinable in the manner suggested by the Examiner. In particular, the frame 7 of the base reference Page `740 is specialized in that the vertical frame members 7 and the horizontal frame member 6 are coupled at each end by a short member that is at an angle both of the frame members 6, 7. In short, the frame members 6 and 7 are not directly coupled square to each other.

In distinction, the rear related portion of the frame 14 of French `461 forms a square corner thus facilitating use of a roller door. The frame 6, 7 of Page `740 would not permit correct attachment of a roller door.

The Applicant acknowledges that the additional references of French `461, Keihl et al. and Brown may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Page with this additional art of French `461, Keihl et al. and Brown still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

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In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Page, French '461, Keihl et al. and/or Brown references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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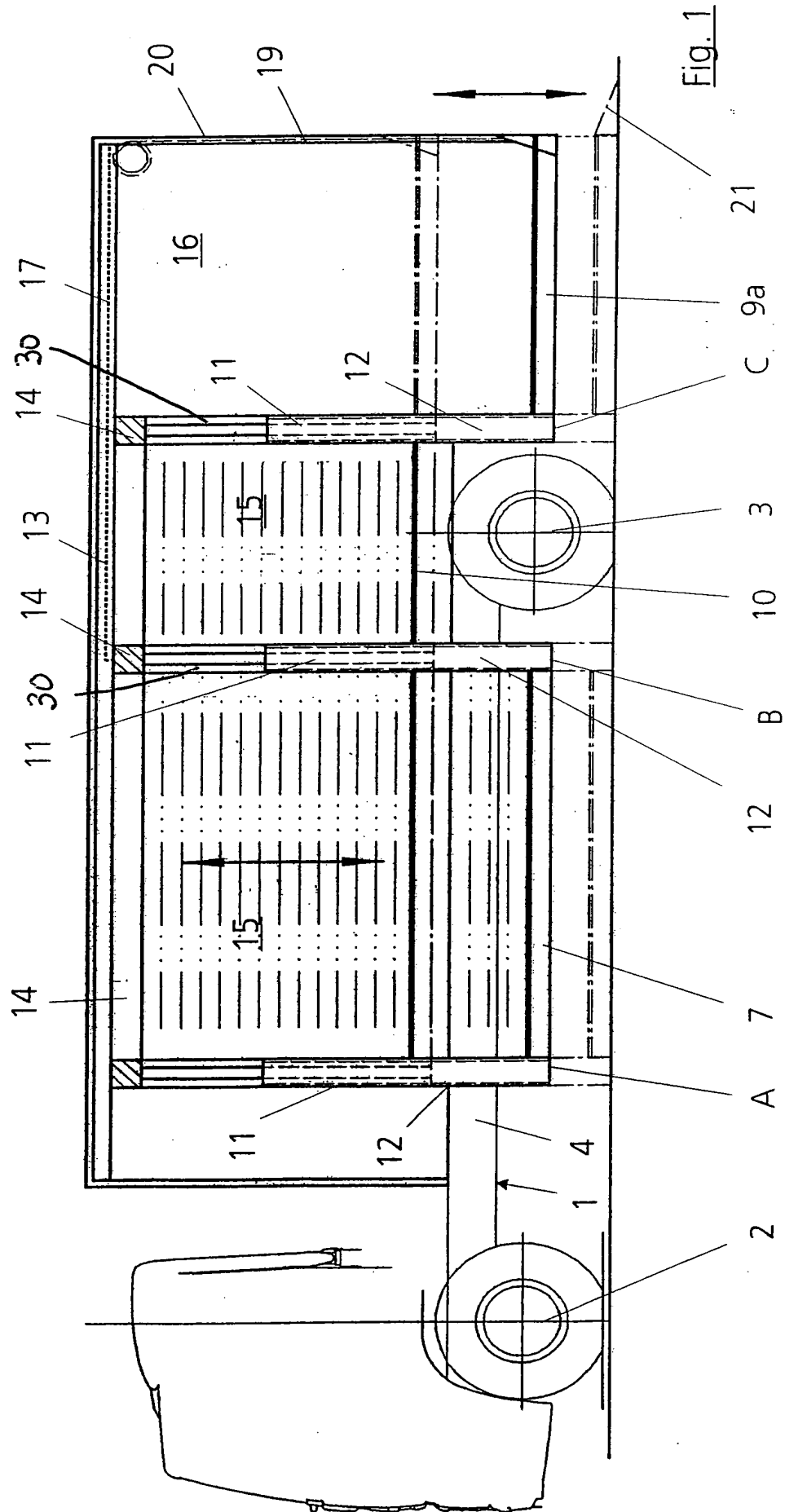
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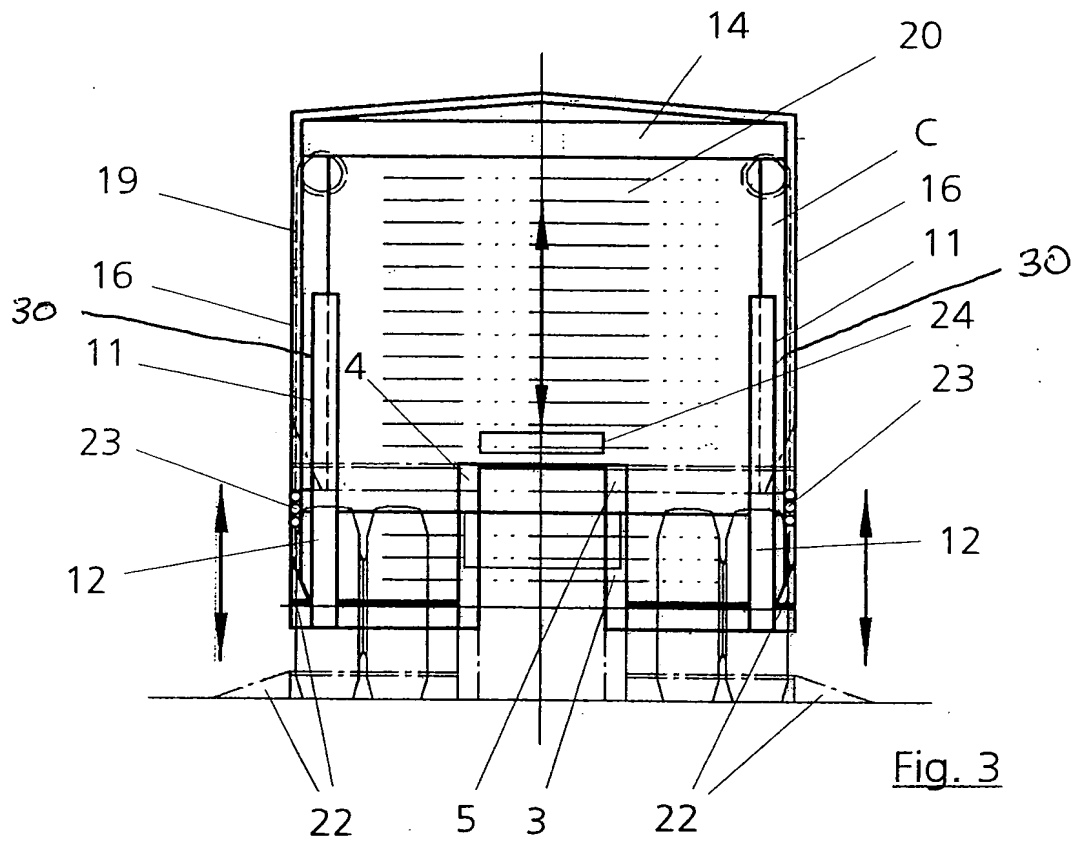


Fig. 3

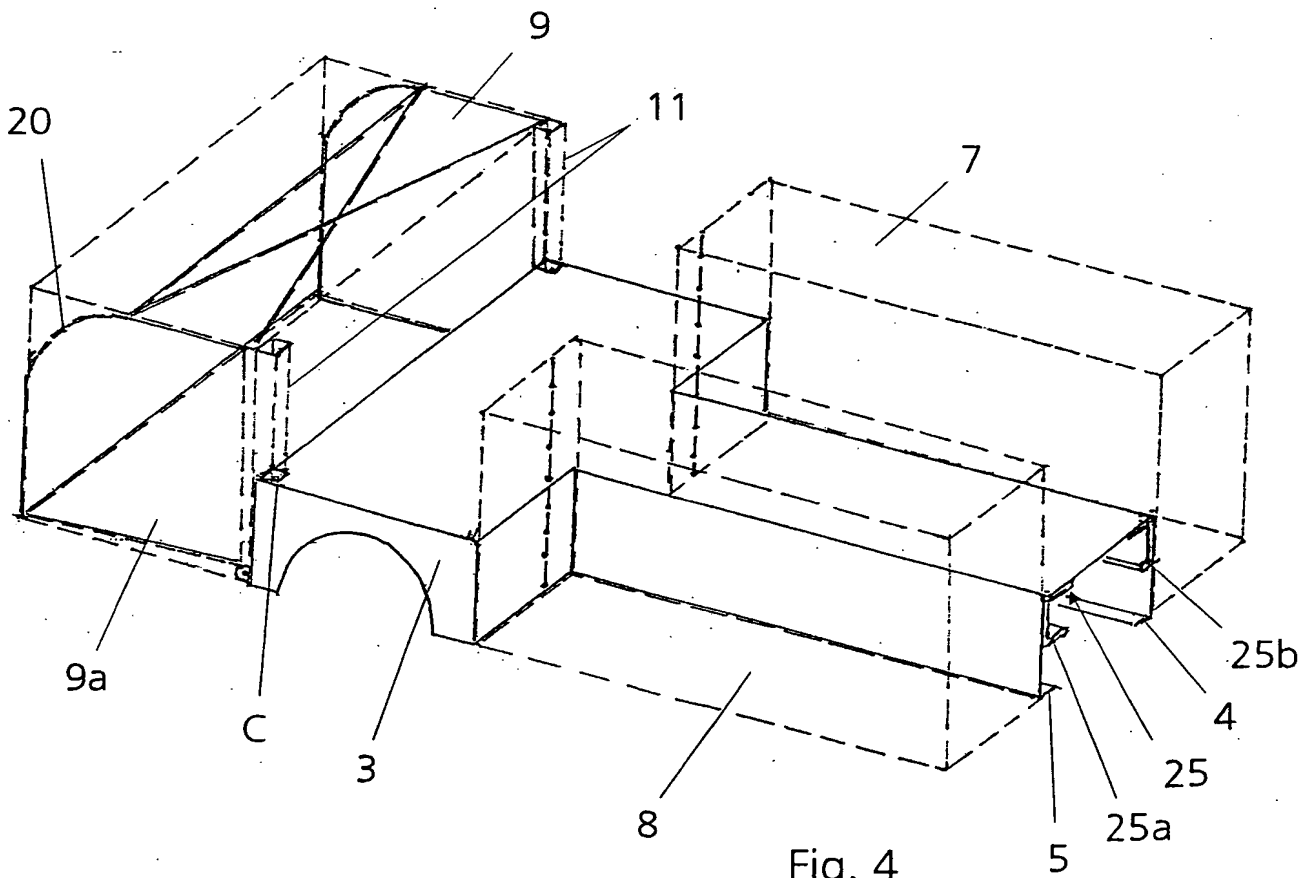


Fig. 4